IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.37 OF 2005

Raghunath Bhiku Shirkar. ...Petitioner.

Vs.

Hindoostan Spg.& Wvg,Mills Ltd. ...Respondents

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Mr.N.M.Ganguli for the Petitioner.

Mr.Shyam Mehta i/b. Fed. & Rashmikant for the Respondents. .....

CORAM : DR.D.Y.CHANDRACHUD, J.

24th January 2005.

P.C.:

The evidence has been evaluated by the Industrial Court for determining the question as to whether the Petitioner was entitled to promotion as a semi clerk. That question, it is common ground, would depend upon whether the Petitioner had done any work of a written nature for a minimum period of two hours every day. The Industrial Court noted that the Petitioner was a watchman and that he had

failed to establish that he had, in fact, done such written work as would enable him to meet the requirement for promotion. There is also a specific finding that there is no discrimination since admittedly the Petitioner had been given a rise in wages. The finding which is arrived at in the present case is purely an evidentiary finding and interference of the Court in its jurisdiction in Cetiorari is not warranted. There is no merit in the petition which is accordingly dismissed.

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